

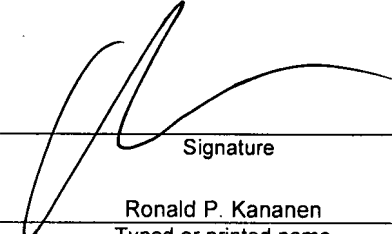
Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) SON-2981	
	Application Number 10/809,432-Conf. #8124	Filed March 26, 2004	
	First Named Inventor Nobukata Okano et al.		
	Art Unit 2613	Examiner D. S. Kim	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 24,104</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <div style="text-align: right;"> _____ Signature _____ Ronald P. Kananen Typed or printed name _____ (202) 955-3750 Telephone number _____ August 30, 2007 Date</div>			
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of 1 forms are submitted.</p>			



Docket No.: SON-2981
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Nobukata Okano et al.

Application No.: 10/809,432

Confirmation No.: 8124

Filed: March 26, 2004

Art Unit: 2613

For: COMMUNICATIONS SYSTEM AND
COMMUNICATIONS LIGHTING
APPARATUS

Examiner: D. S. Kim

REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW OF FINAL REJECTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in full and timely response the Office Action mailed on June 1, 2007.

It is believed that the finality of the Office Action of June 1, 2007 is premature at least for the reasons found within the Petition Under 37 C.F.R. §1.181 to Request Withdrawal of the Final Office Action previously filed on June 18, 2007.

Timely consideration of this Petition is respectfully requested.

The Amendment After Final Action (37 C.F.R. Section 1.116) filed on July 16, 2007 proposes the cancellation of claims 3-4, 21-23, 25-28, and 30-39 along with the addition of claims 40-59.

The Advisory Action of July 31, 2007 indicates non-entry of the Amendment After Final Action (37 C.F.R. Section 1.116).

Moreover, the Advisory Action of July 31, 2007 presents for the first time “Newton’s *Telecom Dictionary*” (Newton), along with an assertion that Newton teaches the presence of a “floppy disk”, a “floppy mini”, a “removable cartridge system”, and “removable media”. In this regard, the presentation of Newton amounts to nothing more than yet another new ground of rejection.

Paragraph 5 of the Office Action includes a rejection of claims 21, 24-27, 27-32, and 37-38 under 35 U.S.C. §103 as allegedly being unpatentable over International Publication No. WO 02/25842 to Dowling et al. (Dowling) in view of U.S. Patent No. 6,868,236 to Wiltsey et al. (Wiltsey).

Claims 24 and 29 - Claims 24 and 29 include a communications lighting apparatus having an illumination light source (4) adapted to emit illumination light and an information-transmitting unit (5) adapted to emit an optical signal, wherein said information-transmitting unit (5) has light sources (52, 53), a light beam from one of said light sources (52, 53) being emitted independent of a light beam from another of said light sources (52, 53).

Figure 4B of the specification as originally filed is provided hereinbelow.

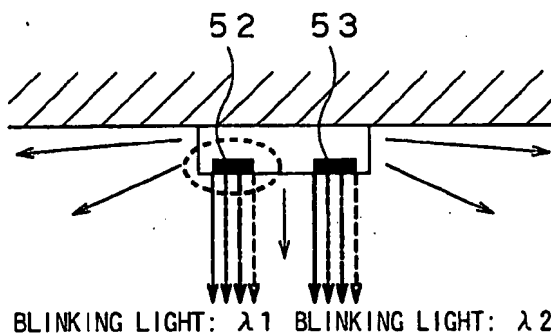


FIG. 4B

Dowling - The Final Office Action readily concedes that Dowling fails to disclose, teach or suggest that the information-transmitting unit is mounted on said illumination light source (Final Office Action at page 4).

Notwithstanding this concession found within the Final Office Action, the Advisory Action of July 31, 2007 refers to Figure 7 of Dowling and contends that Figure 7 teaches module 716 mounted on an alleged “light source 702”.

In response to this contention, Figure 7 of Dowling is provided hereinbelow.

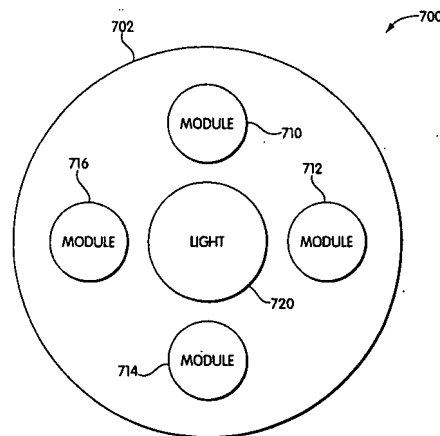


Fig. 7

Dowling arguably teaches that the modular lighting subsystem 700 may include a base 702 that forms a universal platform for a number of modules 710, 712, 714, 716 (Dowling at page 44, lines 16-17). Each module 710, 712, 714, 716 may fit into a cradle within the base 702, which may be any shape adapted to receive the module (Dowling at page 45, lines 4-5).

Dowling arguably teaches that the base 702 may include a light 720, such as an LED source or some other light source, and that the light 720 may form a discrete lighting area, such as a lens, within the base 702, or the base 702 may be formed of a diffusing material so that the light 720 provides illumination throughout the base 702 (Dowling at page 44, lines 18-21).

A first module 710 may provide power, and may include a battery or a converter for converting an external power source into a power source suitable for the lighting subsystem 700 (Dowling at page 45, lines 10-12).

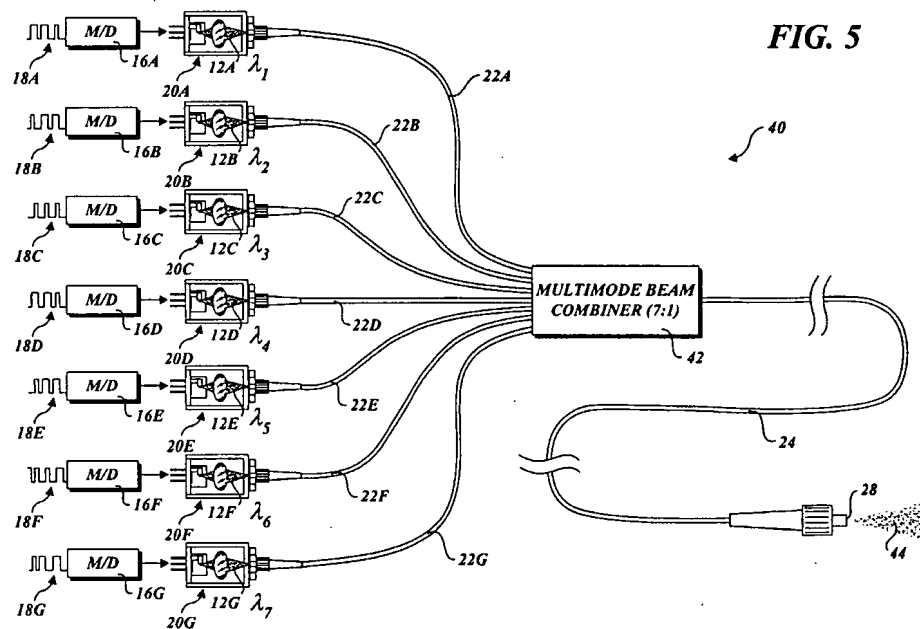
A second module 712 may provide input/output, including a network interface such as a physical interface to an infrared or radio frequency network, and any network protocol stack required to form communication links between the lighting subsystem 700 and other nodes of a network (Dowling at page 45, lines 12-15).

A third module 714 may provide sensors such as microphones, temperature sensors, digital cameras, or, for example, any of the sensors discussed above (Dowling at page 45, lines 15-17).

A fourth module 716 may provide output devices such as a speaker, an LED or LCD display, additional lights or LED's, or some other output device (Dowling at page 45, lines 17-19).

However, Dowling fails to disclose, teach, or suggest the fourth module 716 as having light sources, wherein a light beam from one of said light sources is emitted independent of a light beam from another of said light sources.

Wiltsey - Figure 5 of Wiltsey is provided herein below.



The multimode beam combiner combines optical signals 12A, 12B, and 12C into a single optical signal that exits a free end 28 of fiber segment 24 as mode-scrambled optical signal 14 (Wiltsey at column 4, lines 23-26).

Here, the Final Office Action admits that Wiltsey fails to disclose, teach or suggest that the information-transmitting unit is mounted on said illumination light source (Final Office Action at page 4).

Combination - No illuminated light source is found within Wiltsey. In this regard, Wiltsey fails to show that the free end 28 is suitable for mounting on an illuminated light source.

As a result, the Final Office Action fails to explain why the skilled artisan would have looked to Wiltsey for the free end 28 as a replacement for the fourth module 716 of Dowling. See, for example, *In re Dillon*, 13 USPQ2d 1337, 1342 (Fed. Cir. 1989), and M.P.E.P. §2143.01(VI).

Moreover, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990), and M.P.E.P. §2143.01(III).

Official Notice - There is no concession as to the veracity of Official Notice, if taken in any Office Action. An affidavit or document should be provided in support of any Official Notice taken. 37 CFR 1.104(d)(2), MPEP § 2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Dated: August 30, 2007

Respectfully submitted,

By

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